

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Thursday, March 3, 2011
Place: Capitol

Time: 9:00 AM
Room: 137

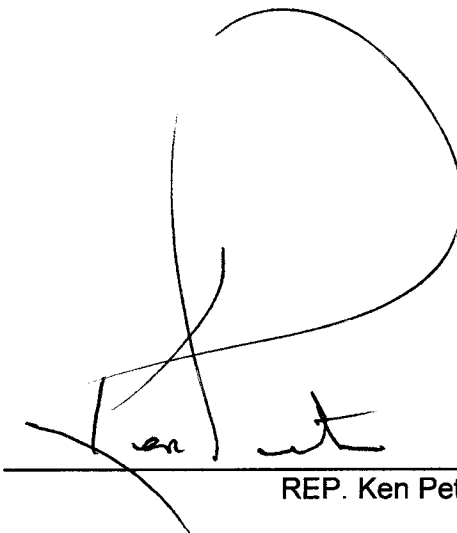
BILLS and RESOLUTIONS HEARD:

SB 26 - Require notice that violation of temporary order of protection is criminal
SB 152 - Increase the penalty for sexual assault for second and subsequent offenses

EXECUTIVE ACTION TAKEN:

HB 299	Do pass as amended
SB 36	Be concurred in as amended
SB 67	Be concurred in as amended
SB 26	Be concurred in
SB 152	Be concurred in

Comments:

A large, stylized handwritten signature in black ink, appearing to read 'Ken Peterson', is written over a horizontal line.

REP. Ken Peterson, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 3/3/2011

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. KEN PETERSON, CHAIR	✓	
REP. KRAYTON KERNS, VICE CHAIR	✓	
REP. DIANE SANDS, VICE CHAIR	✓	
REP. MIKE MENAHAN		✓
REP. ROBYN DRISCOLL		✓
REP. KEITH REGIER	✓	
REP. DAN SKATTUM	✓	
REP. CLEVE LONEY	✓	
REP. MARGARET MACDONALD	✓	
REP. CAROLYN PEASE-LOPEZ		✓
REP. MICHAEL MORE		✓
REP. LIZ BANGERTER	✓	
REP. WENDY WARBURTON		✓
REP. BOB WAGNER	✓	
REP. ELLIE BOLDMAN HILL		✓
REP. BILL HARRIS	✓	
REP. KRISTIN HANSEN		✓
REP. DAVID HOWARD	✓	
REP. JESSE O'HARA	✓	
REP. JOE READ	✓	



HOUSE STANDING COMMITTEE REPORT

March 3, 2011
Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 299** (first reading copy -- white) do pass as amended.

Signed: 

Representative Ken Peterson, Chair

And, that such amendments read:

1. Title, line 6.

Following: "FELONY;"

Insert: "PROVIDING FOR ALCOHOL TESTING AS A CONDITION OF CERTAIN SENTENCES;"

2. Page 4.

Following: line 26

Insert: "(a) for a third offense, sentencing the person as provided under subsections (1)(b) through (1)(d), which must be suspended on the condition that the person not consume alcohol and participate in a program of alcohol testing for a period of 13 consecutive months. The requirement for alcohol testing may not be suspended or deferred, and compliance with the testing condition must be monitored by department probation program officers as authorized by 46-23-1004. The court may also impose additional conditions as appropriate. If an offender violates a condition upon which the sentence was suspended as provided in this subsection (1)(a), the suspension must be revoked by the method provided for in 46-18-203."

Renumber: subsequent subsections

3. Page 5, line 4.

Committee Vote:

Yes 12, No 8

Fiscal Note Required ☐

HB0299002SC.hgh

jbn
3/3/11
1:00

Strike: "(1) (a) "
Insert: "(1) (b) "

4. Page 5, line 6.

Strike: "(1) (a) "
Insert: "(1) (b) "

- END -



HOUSE STANDING COMMITTEE REPORT

March 3, 2011

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 36** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Representative Ken Peterson, Chair

To be carried by Representative Ken Peterson

And, that such amendments read:

1. Title, line 7.

Strike: "PROHIBITING"

Insert: "ALLOWING"

2. Title, line 9 through line 10.

Strike: "A RETROACTIVE"

Insert: "AN"

3. Page 1, line 18.

Strike: "NOT"

4. Page 1, line 25 through line 27.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to an application for a permit or a change in an appropriation right filed on or after [the effective date of this act]."

Committee Vote:

Yes 19, No 1

Fiscal Note Required ☐

SB0036001SC05152.hgh

3/3/11
1:00



HOUSE STANDING COMMITTEE REPORT

March 3, 2011

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 67** (third reading copy -- blue) be concurred in as amended.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Robyn Driscoll

And, that such amendments read:

1. Page 1, line 7.

Strike: "YEAR"

Insert: "YEARS"

Following: "2011"

Insert: " THROUGH 2013"

2. Page 1, line 28.

Strike: ", 2011"

Insert: "in fiscal years 2011 through 2013"

Following: "\$25,000"

Insert: "in each fiscal year"

3. Page 1, line 30

Strike: "year"

Insert: "years"

Following: "2011"

Insert: "through 2013"

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

SB0067001SC03852.hgh

John
3/3/11
1:00



HOUSE STANDING COMMITTEE REPORT

March 3, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 26** (third reading copy -- blue) be concurred in.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Keith Regier

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

SB0026001SC06479.hgh

*16m
3/3/11
1:5*



HOUSE STANDING COMMITTEE REPORT

March 3, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 152** (third reading copy -- blue) be concurred in.

Signed: 

Representative Ken Peterson, Chair

To be carried by Representative Cary Smith

- END -

Committee Vote:

Yes 17, No 3

Fiscal Note Required ☐

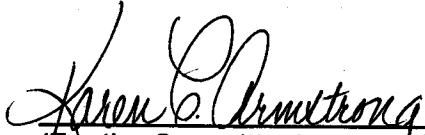
SB0152001SC06483.hgh


3/3/11 1:00

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED
SB 4 - Provide immunity from civil liability for sports officials
by motion, on Thursday, March 3, 2011.


(For the Committee)


(For the Chief Clerk of the House)

1:00 3/3/11
(Time) (Date)

March 3, 2011

Karen Armstrong, Secretary

Phone: (406) 444-4607

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/3/2011 BILL NO. 299 MOTION NO. _____
 MOTION: depose as amended passes

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	X	✓	
REP. DIANE SANDS, VICE CHAIR	✓		
REP. MIKE MENAHAN	X	✓	
REP. ROBYN DRISCOLL	X	✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD	✓		
REP. PEASE-LOPEZ	X	✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON	X	✓	
REP. BOB WAGNER	X	✓	
REP. ELLIE BOLDMAN HILL	X	✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	X	✓	

12 8

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/3 BILL NO SB4 MOTION NO. 9a 2e3
MOTION: amendment SB0004 03.dan fails

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR	✓		
REP. JOE READ		✓	
REP. JESSE O'HARA		✓	
REP. DAVID HOWARD		✓	
REP. KRISTIN HANSEN	✓		
REP. BILL HARRIS		✓	
REP. ELLIE BOLDMAN HILL	✓		
REP. BOB WAGNER		✓	
REP. WENDY WARBURTON		✓	
REP. LIZ BANGERTER	✓		
REP. MIKE MORE	✓		
REP. CAROLYN PEASE-LOPEZ	✓		
REP. MARGARET MACDONALD	✓		
REP. CLEVE LONEY		✓	
REP. DAN SKATTUM		✓	
REP. KEITH REGIER		✓	
REP. ROBYN DRISCOLL	✓		
REP. MIKE MENAHAN	✓		
REP. KEN PETERSON, CHAIR		✓	

9

11

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/3/2011 BILL NO. SB4 MOTION NO. _____
 MOTION: as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR		✓	
REP. JOE READ		✓	
REP. JESSE O'HARA	✓		
REP. DAVID HOWARD		✓	
REP. KRISTIN HANSEN	✓		proxy
REP. BILL HARRIS	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BOB WAGNER		✓	
REP. WENDY WARBURTON	✓		
REP. LIZ BANGERTER	✓		
REP. MIKE MORE		✓	
REP. CAROLYN PEASE-LOPEZ		✓	
REP. MARGARET MACDONALD		✓	
REP. CLEVE LONEY	✓		
REP. DAN SKATTUM		✓	
REP. KEITH REGIER	✓		
REP. ROBYN DRISCOLL		✓	
REP. MIKE MENAHAN		✓	
REP. KEN PETERSON, CHAIR		✓	

7 13

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 3/3/2011 BILL NO SB 152 MOTION NO. _____
 MOTION: he concurred in

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR	✓		
REP. JOE READ	✓		
REP. JESSE O'HARA	✓		
REP. DAVID HOWARD	✓		
REP. KRISTIN HANSEN	✓		proxy
REP. BILL HARRIS	✓		
REP. ELLIE BOLDMAN HILL	✓		
REP. BOB WAGNER		✓	
REP. WENDY WARBURTON	✓		
REP. LIZ BANGERTER	✓		
REP. MIKE MORE	✓		
REP. CAROLYN PEASE-LOPEZ	✓		
REP. MARGARET MACDONALD	✓		
REP. CLEVE LONEY	✓		
REP. DAN SKATTUM		✓	
REP. KEITH REGIER	✓		
REP. ROBYN DRISCOLL	✓		
REP. MIKE MENAHAN	✓		
REP. KEN PETERSON, CHAIR	✓		

17 3

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with: _____

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SB 4 as amended	✓	
SB 36 as amended	✓	
SB 67 as amended	✓	
SB 152	✓	

BILL/AMENDMENT AYE NO

Rep. _____

(Signature)

Date _____

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the _____

Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Kerns

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

<i>SB 36 as amended</i>	<i>✓</i>	
<i>SB 67 as amended</i>	<i>✓</i>	

BILL/AMENDMENT

AYE NO

Rep. _____

Chris J. Long
(Signature)

Date _____

3/3/2011

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, March 3, 2011

SB 152 - Increase the penalty for sexual assault for second and subsequent offenses

Sponsor: Senator Taylor Brown

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, March 3, 2011

SB 26 - Require notice that violation of temporary order of protection is criminal

Sponsor: Senator Anders Blewett

PLEASE PRINT[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.